

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WILLIAM STEPHEN LUSH, II,

Plaintiff,

v.

ORDER

10-cv-64-slc¹

JUDGE BELINDA HILL,

Defendant.

On March 11, 2010, I denied the request of plaintiff William Stephen Lush, II, for leave to proceed in forma pauperis on a claim for injunctive relief that his criminal conviction in a state court in Texas was unconstitutional. Dkt. #4. Now before the court is plaintiff's motion for reconsideration of that decision. Dkt. #6.

Plaintiff's motion will be denied because he has not shown that this court relied on a manifest error of law or fact in dismissing his complaint. As I explained in the dismissal order, the doctrine of judicial immunity bars plaintiff from raising any claims in a civil lawsuit against defendant Belinda Hill for her judicial acts. Mireles v. Waco, 502 U.S. 9

¹ For the purpose of issuing this order only, I am assuming jurisdiction over the case.

(1991). Further, the proper remedy for challenging the legality of a state court conviction and sentence is a petition for a writ of habeas corpus under 28 U.S.C. § 2254, after plaintiff has exhausted the remedies available to him in state court. 28 U.S.C. § 2254(b)(1)(A).

ORDER

IT IS ORDERED that plaintiff William Stephen Lush's motion for reconsideration is DENIED.

Entered this 1st day of July, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge